

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH CENTRAL DIVISION**

CHRISTOPHER EMERSON, Plaintiff, vs. TANI DOWNING, Defendant.	ORDER ADOPTING REPORT AND RECOMMENDATION Case No. 2:05-CV-01023 PGC
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Before the court is the Report and Recommendation issued by United States Magistrate Judge Warner, dated October 12, 2006, recommending that this case be dismissed. Despite an order to show cause why the case should not be dismissed, issued by Judge Warner, the plaintiff, Christopher Emerson, never served process on the defendant.

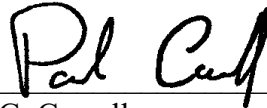
Mr. Emerson was properly notified of his right to object to the Report and Recommendation and that he must file any objections with the clerk of the court within ten (10) days after receiving it, pursuant to 28 U.S.C. § 636(b). The court has not received any objections from Mr. Emerson.

Having reviewed all relevant materials, including the reasoning set forth in the Magistrate Judge's Report and Recommendation, the court ADOPTS the Report and Recommendation and dismisses this case. The clerk of the court is directed to enter judgment accordingly, with each

party to bear its own fees and costs. Additionally, the clerk's office is directed to close this case.

DATED this 2 day of November, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Paul Cassell", written over a horizontal line.

Paul G. Cassell
United States District Judge